

Remarks:

The above amendments and these remarks are responsive to the non-final Office action dated March 8, 2007, and are being filed under 37 C.F.R. § 1.111. Claims 1-20 are pending in the application, prior to entry of the present amendments. In the Office action, the Examiner rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,440,069 to Raymond et al. ("Raymond").

Applicants traverse the rejections, contending that each of the pending claims is patentable over the cited reference. Nevertheless, to expedite issuance of a patent, and to more particularly point out and distinctly claim aspects of the invention that applicants want to patent now, applicants have amended independent claims 1 and 11. However, applicants reserve the right to pursue the subject matter of original claims 1 and 11 at a later time. Furthermore, applicants have presented remarks showing that all of the pending claims are patentable over the cited reference. Accordingly, applicants respectfully request reconsideration of the application and prompt allowance of all pending claims.

I. Claim Amendments

The present communication amends independent claims 1 and 11. Exemplary support for these claim amendments is included in the application on page 3, line 29, to page 4, line 1.

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II. Claim Rejections under 35 U.S.C. § 102

The Examiner rejected each of the pending claims under 35 U.S.C. § 102(b) as being anticipated by Raymond. Applicants traverse the rejections because Raymond does not teach or suggest any type of electromagnetic coupling. Nevertheless, for the reasons set forth above, applicants have amended independent claims 1 and 11. Each of the pending claims is patentable over Raymond for at least the reasons set forth below.

A. Claims 1-10

Independent claim 1, as amended, is directed to an apparatus for detecting ingestion of an object and reads as follows:

1. (Currently Amended) An apparatus for detecting ingestion of an object, comprising
an ingestible object; and
an identification circuit coupled to the ingestible object, the identification circuit upon ingestion of the ingestible object enabling electromagnetic coupling to a sensing device such that an electromagnetic field produced by the sensing device is altered by the identification circuit to indicate ingestion of the ingestible object.

Claim 1 is patentable over Raymond because Raymond does not teach or suggest every element of the claim. For example, Raymond does not teach or suggest an identification circuit coupled to an ingestible object and "enabling electromagnetic coupling to a sensing device such that an electromagnetic field produced by the sensing device is altered by the identification circuit to indicate ingestion of the ingestible object."

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Raymond relates to a health monitoring system. In the Office action, the Examiner referred to Figure 21 in rejecting the claims. This figure is reproduced here to facilitate review.

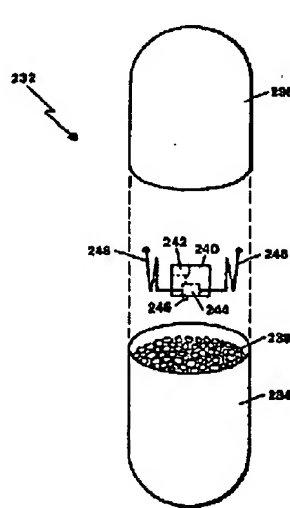


FIGURE 21

Figure 21 illustrates an "electronic pill" disclosed by Raymond. The pill includes a capsule 232 with first and second sections 234, 236 that mate with each other to enclose contents. In particular, the capsule is disclosed to contain a medication 238 and a tiny transmitter 240.

The transmitter has a power source 242 that powers a pulse generating microcircuit 244. The transmitter is inactive while in the capsule. However, when the capsule dissolves, a liquid sensor 246 activates the microcircuit, which outputs a pulsed signal via collapsible leads 248. The pulsed signal is detected with EKG electrodes disposed at the skin surface, or with "other, more advantageously placed detection contacts" (col. 28, lines 26 and 27).

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Raymond discloses transmission of the pulsed signal from inside the body to the skin surface. However, this transmission is not disclosed to involve any type of electromagnetic coupling, such as inductive coupling or capacitive coupling. For example, Raymond does not disclose that the EKG electrodes or other detection contacts have the ability to produce an electromagnetic field, or that the transmitter has the ability to alter an electromagnetic field. Thus, it is submitted that Raymond does not disclose any ability of the transmitter to alter an electromagnetic field produced by the EKG electrodes or other detection contacts. Furthermore, Raymond does not teach or suggest a field alteration that indicates ingestion. Accordingly, it is submitted that Raymond does not teach or suggest an identification circuit "enabling electromagnetic coupling to a sensing device such that an electromagnetic field produced by the sensing device is altered by the identification circuit," as recited in applicants' amended claim 1. Claim 1 thus should be allowed. In addition, claims 2-10, which depend from claim 1, also should be allowed for at least the same reasons as claim 1.

B. Claims 11-20

Independent claim 11, as amended, is directed to a method of detecting ingestion of an object and reads as follows:

11. (Currently Amended) A method of detecting ingestion of an object, comprising
coupling an identification circuit to an ingestible object, the identification circuit upon ingestion of the ingestible object enabling electromagnetic coupling to a sensing device such that an electromagnetic field produced by the sensing device is altered by the identification circuit to indicate ingestion of the ingestible object.

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Claim 11 is patentable over Raymond because Raymond does not teach or suggest every element of the claim. For example, and for at least the same reasons as those presented above in relation to claim 1, Raymond does not teach or suggest coupling an identification circuit that upon ingestion of an ingestible object is capable of "enabling electromagnetic coupling to a sensing device such that an electromagnetic field produced by the sensing device is altered by the identification circuit to indicate ingestion of the ingestible object." Claim 11 thus should be allowed. In addition, claims 12-20, which depend from claim 11, also should be allowed for at least the same reasons as claim 11.

C. Patentable Distinctions in Dependent Claims

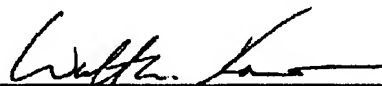
Applicants assert that many of the dependent claims recite features of the invention that further patentably distinguish applicants' invention from Raymond. For example, claims 4 and 14 recite "radio frequency electromagnetic coupling." Raymond does not teach or suggest any type of electromagnetic coupling, let alone radio frequency electromagnetic coupling. In addition, claims 9 and 19 recite that the identification circuit has a layer that "is opaque to electromagnetic signals within a wavelength band and is dissolved during the ingestion." Raymond does not disclose any ingestion-dissolvable layer or other structure that is opaque to electromagnetic signals within a wavelength band. Accordingly, at least dependent claims 4, 9, 14, and 19 also should be allowed for further distinguishing the invention from Raymond.

III. Conclusion

Applicants submit that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering all of the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner N. Natnithithadha, Group Art Unit 3735, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on June 4, 2007.



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